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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/836,589   | 04/17/2001  | Shawn E. Wiederin .  | CDR-00-010          | 7867             |
| 25537  | 7590        | 02/15/2005           | EXAMINER            |                  |
| MCI, INC<br>TECHNOLOGY LAW DEPARTMENT<br>1133 19TH STREET NW, 10TH FLOOR<br>WASHINGTON, DC 20036 |             |                      |                     | SMITH, TRACI L   |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
|  |             | 3629                 |                     |                  |

DATE MAILED: 02/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|  |                 |                 |
|--|-----------------|-----------------|
| <i>R</i><br><b>Office Action Summary</b> | Application No. | Applicant(s)    |
|  | 09/836,589      | WIEDERIN ET AL. |
|  | Examiner        | Art Unit        |
|  | Traci L Smith   | 3629            |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 12/20/2004.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-40 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-40 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. This action is in response to papers filed on December 20, 2004.
2. Claims 1-5, 7-13, 15-21, 23-29, 31-37, 39 and 40 have been amended.
3. Claims 1-40 are pending.
4. Claims 1-40 are rejected.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 7-9, 15-17, 23-25, 31-33 and 39-40 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication 20020115431 A1, Cox et al. Filing date November 20, 1996 hereinafter referred to as Cox(1) and further in view of US Patent 6456709 Cox et al. hereinafter referred to Cox(2).

7. As to Claims 1,9, 17 and 33 Cox(1) teaches a system and method of tracking directory assistance listings displayed to a user and billing information based on directory listings. (Pg. 4 ¶ 00045-00047 and Claim 7.) Cox(1) fails to teach transmitting information associated with one or more directory listings to a client access device over the packet switched network in response to a query initiated by a customer, wherein the customer selects one or more of the directory

listings based on the information. Cox(2) teaches information being sent to a customers device according to the customer query destination number.(C. 9 l. 66-67 and C. 10. l. 1-5). It would have been obvious to one skilled in the art at the time of invention to combine the teaches of Cox(2) with Cox(1) so as to give the user more control of how and what information they are receiving from the service.

8. As to claims 7, 15, 23, 32 and 39 Cox(1) teaches a system and method determining a billing including flat rate charges for each directory assistance.

(Pg. 1 ¶ 0006 middle of paragraph)

9. As to claims 8, 16, 24, 32 and 40 Cox(1) teaches a system and method utilizing Directory Assistance Database Source available from US West, which is a Regional Bell Operating Company formed by the break up of AT & T in 1983.

(Pg. 2 ¶ 0017.)

10. As to Claim 25 Cox(1) teaches a system for tracking directory assistance listings and preparing and storing billing information into a database. (Pg. 4-5 Claim 7.) Cox(2) teaches information being sent to a customers device according to the customer query destination number.(C. 9 l. 66-67 and C. 10. l. 1-5). It would have been obvious to one skilled in the art at the time of invention to combine the teaches of Cox(2) with Cox(1) so as to give the user more control of how and what information they are receiving from the service.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. Claims 2-4,6, 10-12, 18-20, 26-27 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication 20020115431 A1, Cox(1) et al in view of US Patent 6456709 Cox(2) et al. as applied to claims 1, 7-9, 15-17, 23-25, 31-33 and 39-40 above, in further view of US Patent 6,212,506 B1 Shah et al; April 3, 2001; Filing date September 16, 1997.

14. As to Claims 2, 10, 18, 26, 34 Cox(1) and Cox(2) teaches a system and method of directory assistance tracking and billing and the information including directory information. However, Cox(1) and Cox(2) fails to teach the method of receiving the request and transmitting billing information. Shah teaches a

system and method of a customer database used to determine rates for calls and routing information. (C. 4 L. 23-25 and 31-33). It would have been obvious to combine the teaches of Cox(1) and Cox(2) with Shah at the time of invention as being able to determine call rates before placing the call saves customers from accumulating additional charges on their bills.

15. As to claims 3-4, 11-12, 19-20, 27-28 and 35-36 Cox(1) teaches a system and method of directory assistance tracking and billing. However, Cox(1) fails to teach the method of delivery. Shah teaches a system and method where information can be delivered via fax or computer. (C. 3 L. 13-15.) It would have been obvious to combine the teaches of Cox(1) with Shah at the time of invention as different individuals different preferences as to type of billing delivery.

16. Claims 5-6, 13-14, 21-22, 29-30 and 3738 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication 20020115431 A1, Cox(1) et al in view of US Patent 6456709 Cox(2) et al. as applied to claims 1, 7-9, 15-17, 23-25, 31-33 and 39-40 above, in further view of US Patent 6,658,455 B1 Weinman Jr; filed on December 30 1999.

17. As to claims 5, 13, 21, 29 and 37 Cox(1) teaches an enhanced directory assistance method and Cox(2) teaches the directory service with user controlled query(C. 10 l. 59-64) but fails to teach specific information available. Weinman teaches an enhanced directory assistance method that identifies the enhanced information as the URL of the listed party. (C. 8 l. 41-45). It would have been obvious at the time of invention to combine the teachings of Weinman with Cox(1) and Cox(2) as they are both systems and methods of "enhanced"

directory assistance and Weinman gives additional information for the user to access.

18. As to claims 6, 14, 22, 30 and 38 Cox(1) teaches a system and method of directory assistance and billing. Cox(1) fails to teach a system and method that utilizes the internet network. Weinmann establishing protocol between networks (C. 3. l. 47-48). It would have been obvious to combine the teaches of Cox(1) and Weinmann at the time of invention as both enhanced directories are capable of being used on a computer systems.

***Response to Arguments***

19. Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection. The examiner also takes official notice that applicant does not dispute the combination of reference for 35 USC 103 rejections as set forth in the action mailed on September 28, 2004. The applicant merely states combine reference does not overcome limitations of primary reference as amended. Therefore, original 35 USC 103 rejections stand.

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

21. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory

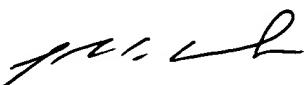
Art Unit: 3629

period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L Smith whose telephone number is (703)605-1155. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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